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# CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF INDEPENDENCE OF THE JUDICIARY, ADMINISTRATION OF JUSTICE, IMPUNITY

Written statement* submitted by the American Association of Jurists, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[10 December 1999]

* This written statement is issued, unedited, as received from the submitting non-governmental organization.

IMPUNITY - RIGHT TO REPARATION

CIVILIAN VICTIMS OF THE INVASION OF PANAMA BY THE UNITED STATES DEMAND A DECISION FROM THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS IN THE CASE OF SALAS AND OTHERS v. THE UNITED STATES

I. 20 December 1999 marked 10 years since the United States prepared and mounted an invasion of Panama. Thousands of civilians were killed, injured or turned out of their homes by the invasion. Thousands of Panamanians affected by the invasion are waiting for the Organization of American States (OAS) Inter-American Commission on Human Rights to take a decision in the case known as Salas and others v. the United States and end the impunity enjoyed by the United States and the suffering of a people whose Government collaborates with the invaders and ignores the civilian population's demands. On 12 November 1999, more than 4,000 Panamanians gathered in front of the presidential palace in Panama asking President Mireya Moscoso to support, in OAS, the claims currently before the Inter-American Commission on Human Rights and to meet the needs of people who have been unable to find their dead relatives and the thousands of people injured during the invasion who are not receiving medical care. The President did not address the demonstrators, but they were informed that she could not support their claim or provide medical care because that would amount to "turning our back on the United States". The demonstrators are organizing a march for 20 December in front of the United States Embassy to Panama, and they would like non-governmental organizations to send messages to the Inter-American Commission on Human Rights asking it to take a decision; the United States has not put forward a single piece of evidence in the case that contradicts the allegations of the victims, who accuse the United States of violating human rights and international law.

II. This is the first time a people, unsupported by its Government, has brought an action before an international body for damage and injury to the person of the State and to individuals caused by an invasion by the United States. Although the complainants have submitted evidence of all kinds, the Inter-American Commission is demurring pointlessly over the decision it must take, thereby allowing the violations to remain unpunished.

President Moscoso, who two days after taking office in September 1999 said it was the invasion that had made elections in Panama possible, belongs to the same political party as former President Guillermo Endara, who was installed in office by the invading forces and swore the oath of office on a United States military base in Panama.

III. Summary of the case

On 7 May 1990, 70 of the victims, represented by their lawyers, José Luis Morín and Gilma Camargo, submitted a petition to the Inter-American Commission on Human Rights on behalf of themselves and all the civilians affected by the invasion, requesting the Commission, inter alia:

1. To declare the military invasion of Panama by the United States illegal and in violation of the OAS Charter;

2. To declare that the human rights recognized in the American Convention on Human Rights were violated in the case of the Panamanian civilians who suffered in the invasion;

3. To declare that, by invading, the United States had violated other international instruments, such as the Charter of the United Nations, the 1949 Geneva Conventions and their 1977 Protocols, and the 1977 Panama Canal Treaty;

4. To declare that, since its actions were illegal, the United States had an obligation to make good the material damage caused and provide compensation for the bodily injuries and loss of life sustained;

5. To decide to hold a full, independent inquiry, under the direction of the Inter-American Commission on Human Rights, to determine the full extent of the damage, losses and injuries suffered by the Panamanian people;

6. To set in motion the relevant proceedings, in accordance with its Statute, and convene a hearing of the parties;

7. To bring the case before the Inter-American Court of Human Rights in due course, and

8. To take whatever steps the Commission considered right and necessary to guarantee any other kind of remedy for the Panamanian victims.

IV. Three years after submission, the case was declared admissible by the Inter-American Commission. Between 1993 and 1996 the complainants submitted to the Commission thousands of pieces of written and oral testimony, material and audiovisual evidence and declassified documents from the United States revealing that the invasion of Panama had been planned several months in advance and carried out according to precise plans that included no arrangements for warning or protecting the civilian population of Panama. At no time during the hearings on the merits of the case did the United States submit reasons or documents challenging the complainants' arguments.

V. Thousands of victims are still living away from their homes, in areas lacking any basic services and far from the cities; they still have no information as to the whereabouts of many of their missing family members.

VI. The plaintiffs' lawyers initiated a search for the dead in mass graves, with the help of the Argentine Forensic Anthropology Team, but obstruction by the Government of Panama, and a lack of financial resources, forced them to halt the operation.

VII. Through the "Law and Solidarity Project" of the American Association of Journalists it is hoped to raise the funds needed to continue the search.

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